

**UNITED STATES DISTRICT COURT  
DISTRICT OF VERMONT**

SARAH E. CUMMINGS, on behalf of herself and  
all others similarly situated,

Plaintiff,

v.

Docket No. 1:12-cv-93

TEACHERS INSURANCE AND ANNUITY  
ASSOCIATION OF AMERICA - COLLEGE  
RETIREMENT AND EQUITIES FUND  
(TIAA-CREF), COLLEGE RETIREMENT  
AND EQUITIES FUND (CREF), TEACHERS  
INSURANCE AND ANNUITY  
ASSOCIATION OF AMERICA (TIAA),  
TIAA-CREF INVESTMENT  
MANAGEMENT, LLC (TCIM), TEACHERS  
ADVISORS, INC. (TAI), AND TIAA-CREF  
INDIVIDUAL AND INSTITUTIONAL  
SERVICES, LLC,

Defendants.

**PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION  
SETTLEMENT AND MOTION FOR SERVICE AWARD AND  
AWARD OF ATTORNEYS' FEES AND EXPENSES TO CLASS COUNSEL**

Plaintiff and Class Representative, Sarah E. Cummings, and Class Counsel, respectfully move the Court to enter an order and final judgment in substantially the form attached Exhibit A to this Motion: (a) finally approving the Settlement, pursuant to which Defendants agreed and have paid \$2.9 million into a Settlement Fund in addition to certain non-monetary consideration, in exchange for the release of claims that were or could have been alleged against them in this action and the dismissal of this action with prejudice; and (b) granting a \$10,000 service award to the Class Representative and approving an award of attorneys' fees and reimbursement of litigation expenses in the sum of \$982,000 to be paid from the Settlement Fund.

The grounds for this Motion are set forth in Plaintiff's memorandum, submitted herewith, including the declarations of Kenneth Hartmann and Robert Hemley, also filed concurrently herewith, as well as such other papers and argument as may be presented to the Court.

Dated: May 10, 2017

Respectfully submitted,

/s/Robert B. Hemley

Robert B. Hemley  
Norman Williams  
Gravel & Shea, P.C.  
76 St. Paul Street, 7th Floor, P.O. Box 369  
Burlington, VT 05402-0369  
(802) 658-0220  
rhemley@gravelshea.com  
nwilliams@gravelshea.com

and

Thomas A. Tucker Ronzetti (*pro hac vice*)  
Kenneth Hartmann (*pro hac vice*)  
Kozyak Tropin & Throckmorton LLP  
2525 Ponce de Leon, 9th Floor  
Coral Gables, FL 33134  
tr@kttlaw.com  
krh@kttlaw.com